REMARKS

Claim Status

Claims 1-39 and 41-48 remain pending in the present application.

Claim 39 is amended without prejudice and to generally include the features of now-canceled claim 40. (The term "selectively has been removed from claim 39 too.)

Dependent claims 41-45 are amended to better conform to amended claim 39. Some editorial changes (e.g., changing "and" to "or") are made to some of these claims as well.

Claim 1 and 17 are amended without prejudice.

Claims 3, 10, 11, 13, 21, 24, 25, 27, 29 and 47 are amended without prejudice and in an editorial manner (e.g., removing the term "step" and/or changing "and" to "or").

Art-based Rejections

Claims 1-17, 39, 41 and 42 and 45-48 stand rejected as being anticipated by US 2001-0042043 A1 (hereafter referred to as "the Shear publication"). Claims 18-28 and 32-38 stand rejected as being unpatentable over U.S. Patent No. 6,850,252 (hereafter referred to as "the Hoffberg patent"). Claims 29-31 stand rejected over the Hoffberg patent in view of the Shear publication. And claims 43 and 44 stand rejected as being unpatentable over the Shear publication in view of US 2003-0159043 A1 (hereafter referred to as "the Epstein publication"). We respectfully traverse these rejections.

Claim 18 in view of the Hoffberg patent.

Claim 18 recites: analyzing first media content buffered in the output buffer; analyzing second media content buffered in the input buffer; and comparing the first media content buffered in the output buffer with the second media content buffered in the input buffer. A copy operation is modified or disabled when the first media content and the second media content match or otherwise coincide.

The Office Action points to the abstract, Col. 113, lines 30-34 and 54-58, and Col. 121, lines 14-30 as teaching the above acts. We respectfully disagree for at least the following reasons.

First, the above cited passages say nothing about comparing content buffered in an output buffer with content buffered in an input buffer. And reference to the abstract stating a presence of input/output ports in a system does not teach comparing content in input/output buffers.

Second, the cited Col. 113, lines 54-58, passage deals with a database of image objects; we highly doubt that the interface system discussed in the Hoffberg patent would store a database of image object in an input or output buffer, since buffers are routinely reset, overwritten or purged. The database would be stored in a more permanent form, e.g., a CD-ROM or on-line database accessible through a serial data link. See Col. 114, lines 5-8.

Third, while the cited Col. 121, lines 14-30, passage discusses copy control information (CCI) carried with content (e.g., MPEG video), it says nothing about modifying or disabling a copy operation when the content in an output buffer matches or otherwise coincides with content in an input buffer. Moreover, the reference to "a degree of relatedness" mentioned at Col. 113 seems concerned with identifying an object within an image (see lines 60-62) and not modifying or disabling a copy operation. Thus, the statements in the cited Col. 113 passage seem incongruently combined with the statements in the cited Col. 121 passage.

We respectfully request removal of this rejection.

Claim 33 in view of the Hoffberg patent.

Claim 33 recites: obtaining first media content buffered in the output buffer; obtaining second media content buffered in the input buffer; and comparing the first media content buffered in the output buffer and the second media content buffered in the input buffer through correlation of the first media content with the second media content. A copy operation is modified or disabled when the correlation of the first media content and the second media content indicates that the first media content and the second media content match or otherwise coincide.

The Office Action points to the abstract, Col. 113, lines 30-34 and 54-58, Col. 121, lines 14-30, and Col. 171, lines 23-30, as teaching the above acts. We respectfully disagree for at least the following reasons.

First, the above cited passages say nothing about comparing content buffered in an output buffer with content buffered in an input buffer. And reference to the abstract stating a presence of input/output ports in a system does not teach comparing content in input/output buffers.

Second, the cited Col. 113, lines 54-58, passage deals with a database of image objects; we highly doubt that the interface system discussed in the Hoffberg patent would store a database of image object in an input or output buffer, since buffers are routinely reset, overwritten or purged. The database would be stored in a more permanent form, e.g., a CD-ROM or on-line database accessible through a serial data link. See Col. 114, lines 5-8.

Third, while the cited Col. 121, lines 14-30, passage discusses copy control information (CCI) carried with content (e.g., MPEG video), it says nothing about modifying or disabling a copy operation when the content in an output buffer matches or otherwise coincides with content in an input buffer. Moreover, the reference to "a degree of relatedness" mentioned at Col. 113 seems concerned with identifying an object within an image (see lines 60-62) and not modifying or disabling a copy operation. Thus, the statements in the cited Col. 113 passage seem incongruently combined with the statements in the cited Col. 121 passage.

Fourth, the cited Col. 172 passage seems to have no nexus with copy control. Thus, like the cited Col. 113 passage, the cited Col. 172 passage seems incongruently combined with the statement in the Col. 121 passage.

We respectfully submit that the rejection of claim 33 should be removed.

Claim 48 in view of the Shear publication

Claim 48 recites: determining which out of a plurality of copy control states should govern protected media content by reference to a watermark key; determining which out of a plurality of copy control systems the content should be handled by

reference to a watermark payload; and providing copy control according to the determined copy control state through the determined copy control system.

Claim 48 refers to both a watermark "key" and a watermark "payload". The watermark payload conveys or carries information, e.g., plural-bit data. The Shear publication's control codes (paragraph 62) and comprehensive rights management information (paragraph 283), e.g., comprise data that may be included in a watermark *payload*.

The same can not be said for a watermark *key*.

In the context of this claim, a watermark key reveals some secret or information about a watermark embedding or decoding process. The subject specification teaches on page 9, lines 18-24: "For example, the key reveals information about a watermarking protocol, a watermark embedding/decoding characteristic and/or a watermark payload encryption key. In one implementation a key provides a pseudo-random sequence that is used to embed the watermark. In another example, a key specifies locations for watermark embedding, host signal features to be modified to effect embedding, and/or semantic meaning of particular features (e.g., how modifications to the host signal are mapped to particular data symbols, such as binary or M-ary symbols), etc., etc." Of course, other examples will fall within the scope of this claim.

The cited passages in the Shear publication do not teach both a watermark payload and key as used in this claim. In particular, the cited passages in the Shear publication do not teach at least determining which out of a plurality of *copy control states* should govern protected media content *by reference to a watermark key*, and *providing copy control according to the determined copy control state* through the determined copy control system.

We respectfully request that the rejection of claim 48 be withdrawn.

Claim 39 in view of the Shear publication.

Claim 39 is amended to generally include the features of now canceled claim 40. Claim 39 now recites: determining which out of a plurality of copy control systems applies to the protected media content. The protected media content *comprises a digital watermark embedded therein according to a key. And the act of determining determines*

which out of a plurality of copy control systems applies to the protected media content based on the key. The method further recites controlling the protected media content according to a determined copy control system.

The Office Action addresses the italicized features when discussing claim 40. The Office Action uses "control codes" discussed in paragraph 62 as meeting the watermark "key" features. We respectfully disagree with this assessment.

The control codes are understood to be auxiliary data carried by a watermark payload. This differs from a watermark key, which in the context of claim 39, reveals or provides some secret or information about a watermark embedding or decoding process.

We respectfully request that the rejection be withdrawn.

Claim 43 in view of the Shear and Epstein publications.

As noted above with respect to claim 39, we respectfully disagree that the control codes discussed in paragraph 62 of the Shear publication teach or suggest a watermark key. Moreover, the cited passages in the Shear publication say nothing of using a watermark key to determine a copy control system.

We have reviewed the cited passages in the Epstein publication (page 1, paragraphs 11 & 12) and see no mention of a watermarking key. (Let alone mention of a key indicating, e.g., a "pseudo-random sequence" or "locations within the media content.")

Moreover, the copy control information referred to in the Epstein publication's paragraph 11 is "additional data" more akin to data carried in a watermark *payload.* See lines 7-9 of paragraph 11. And while we see mention of so-called cryptographic keys in the Epstein publication, we do not see these applied to the copy control watermarks discussed in paragraphs 11 and 12.

We respectfully submit that the Epstein publication does not teach that which it is cited for; and we respectfully request that the rejection be withdrawn.

Claim 1 in view of the Shear publication.

Claim 1 recites a method of copy protecting media content. The method includes – in combination with other features – acts of: querying a data repository – *which is*

separate from the media content itself – to determine if the identifier is stored therein, and *if the identifier is not found in the data repository, adding the identifier to the data repository.*

The cited passage of the Shear publication (paragraph 254) does not teach or suggest the conditioned nature of claim 1, e.g., "<u>if</u> the identifier is not found in the data repository, adding the identifier to the data repository."

Claim 1 also recites that a queried data repository is separate from the media content. In contrast, cited passage in the Shear publication (paragraph 254) points to a software or encryption container, which is not understood to include the media content.

Thus, we respectfully request that the rejection be withdrawn.

Claim 17 in view of the Shear publication.

Claim 17 recites features that are analogous to those discussed above with respect to claim 1. The rejection of claim 17 should be removed for at least the reasons noted above.

Remaining Claims

We respectfully request reconsideration of the remaining claims as well.

Information Disclosure Statement

An Information Disclosure Statement is filed concurrently herewith. Consideration of the disclosed information is respectfully requested.

<u>Conclusion</u>

        We respectfully request a Notice of Allowance. Nevertheless, the Examiner is invited to telephone the undersigned at 503-469-4685 if any questions remain.

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